

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of RASHEETA MICHELLE PEARL  
HUDGENS, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHELLE RACHON POLLYHANNA  
HUDGENS,

Respondent-Appellant,

and

RAYMOND BROWN,

Respondent.

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UNPUBLISHED

May 28, 1999

No. 212271

Wayne Circuit Court

Family Division

LC No. 88-274324

Before: Griffin, P.J., and Cavanagh and Fitzgerald, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm.

Respondent-appellant was not denied the effective assistance of counsel by counsel's failure to subpoena respondent-appellant's medical records because the records were not necessary to her defense. *People v Pickens*, 446 Mich 298, 309; 521 NW2d 797 (1994); *People v Stanaway*, 446 Mich 643, 687-688; 521 NW2d 557 (1994). Respondent-appellant's testimony that she had submitted negative drug screens weekly and remained drug-free for a year was not contested. Issues

aside from respondent-appellant's drug use were also involved in the case, and the outcome of the proceeding would not have been different if counsel had subpoenaed the medical records.

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent-appellant failed to show that termination of her parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the family court did not err in terminating respondent-appellant's parental rights to the child. *Id.*

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ E. Thomas Fitzgerald